

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

550 Main Street Suite E • Placerville, CA 95667
Phone: (530) 295-2707 • Fax: (530) 295-1208
lafco@co.el-dorado.ca.us
www.co.el-dorado.ca.us/lafco

MEMO

DATE: May 21, 2008

TO: Francesca Loftis, Chair, and
Members of the El Dorado County Local Agency Formation Commission

FROM: José C. Henríquez, Executive Officer

SUBJECT: Commissioner Cooper's Comments on the LAFCO Personnel Policies &
Procedures (Agenda Item #6)

On May 15, 2008, Commissioner Cooper submitted the following comments on Agenda Item #6: Review and Consider the Draft LAFCO Employee Benefits Policies. His feedback and staff's comments are attached below for your consideration. The structure of this memo will be as follows:

- 1 The applicable section of the Personnel Policies will be included with the underlined sentences if the comment relates to a specific area within the section. The packet page number and document page number for your reference
- 2 Commissioner Cooper's comment(s)
- 3 Staff response and recommendation

1.2 At-Will Employment (packet page 39, Attachment B page 2 of 36)

B. Policy

The employment relationship between LAFCO and its employees is for an unspecified term and may be terminated by the employee, the LAFCO Executive Officer or the Commissioners who serve on LAFCO ("Commission") at any time, with or without cause or advanced notice. Also, LAFCO reserves the right to transfer, demote, suspend and administer discipline with or without cause or advance notice.

Commissioner Cooper's comment: A period should follow after the word, "discipline."

COMMISSIONERS

Public Member: Francesca Loftis • Alternate Public Member: Norm Rowett
City Members: Carl Hagen, Ted Long • Alternate City Member: Roberta Colvin
County Members: Ron Briggs, James R. Sweeney • Alternate County Member: Helen Baumann
Special District Members: Ken Humphreys, Harry J. Norris • Alternate Special District Member: Michael Cooper

STAFF

José C. Henríquez, Executive Officer • Erica Sanchez, Policy Analyst
Denise Tebaldi, Interim Commission Clerk • Andrew Morris, Commission Counsel

Staff response and recommendation: That particular sentence appears adequate as written, but staff has no recommendation.

1.3 EQUAL EMPLOYMENT OPPORTUNITY POLICY (starts on packet page 39 but the majority of the paragraph is found at the top of page 40, Attachment B page 3 of 36)

B. Policy

... An employee who believes that he or she has been subjected to any form of unlawful discrimination should make a complaint, preferably written, to the Executive Officer. Complaints should be specific and should include the names of individuals involved and the names of any witnesses. LAFCO will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. If LAFCO determines that unlawful discrimination has occurred, effective remedial action will be taken to deter any future discrimination.

Commissioner Cooper's comment: Eliminate "effective, thorough and objective" from the selected sentence.

Staff response and recommendation: While these three words may appear redundant since it is in the best interests of all parties involved that a thorough and objective investigation be undertaken, the Executive Officer and Counsel believes that LAFCO employees should be reassured that complaints will be fully vetted and resolved. Including such a commitment in the Policies and Guidelines (P&G) sends such an assurance. Staff recommends that the policy remain as is.

1.5 POLICY AGAINST HARASSMENT (starts on packet page 40 but the majority of the paragraph is found at the top of page 41, Attachment B page 4 of 36)

D. Reporting and Complaint Procedure

An employee who believes that he or she has been subjected to any form of unlawful harassment should promptly make a complaint, preferably written, to the Executive Officer, or if it involves the Executive Officer, to the Chair of the Commission. Complaints should be specific and should include the names of individuals involved and the names of any witnesses. LAFCO will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. If LAFCO determines that unlawful harassment has occurred, effective remedial action will be taken commensurate with the severity of the offense, up to and including termination. Appropriate action will also be taken to deter any future unlawful harassment.

Commissioner Cooper's comment: Eliminate "effective, thorough and objective" from the selected sentence.

Staff response and recommendation: Same recommendation as above to leave the policy as-is. The Executive Officer and Counsel believes that LAFCO employees

should be reassured that complaints will be fully vetted and resolved. Including such a commitment in the P&G sends such an assurance.

1.7 PERSONNEL RECORDS (packet page 43, Attachment B page 6 of 36)

A. Policy – General Employees

Employees have the right to inspect certain documents in their personnel file, as provided by law, in the presence of a LAFCO representative at a mutually convenient time. Only documents previously signed by the employee are allowed to be copied. Employees may add written versions of any disputed item to their file.

Commissioner Cooper's comments: Would like further clarification on why that sentence was incorporated into the P&G and whether it is necessary.

Staff response and recommendation: This paragraph is based directly on the Labor Code provisions regarding this issue. Labor Code Section 1198.5 gives employees the right to inspect their Personnel files. However, the employer is not required to give a copy of the documents in the personnel file pursuant to that section. But, Labor Code section 432 states, "If an employee or applicant signs any instrument relating to the obtaining or holding of employment, he shall be given a copy of the instrument upon request." That is where the distinction in the policy came from regarding signed documents.

Alternatives include revising the policy so that copies of other documents are allowed or the language can be changes to state, "Employees are entitled to a copy of any document kept in their personnel file that is signed by the employee." That way the language is not so restrictive as to never allow for copies of unsigned documents, but is not so broad as to create an entitlement to a copy of any document in the personnel file.

1.8 TERMINATION (starts on packet page 43 and continues through page 44, Attachment B pages 6 and 7 of 36)

Commissioner Cooper's comments: Would like further clarification on why this section, in its entirety, is included in the P&G, especially since the Personnel Guidelines already state the at-will status of LAFCO employees.

Staff response and recommendation: Staff believes this section is helpful because it defines certain terms used later in the policy with regard to benefits and discipline. However, staff also does not see a problem with deleting it if the Commission decides otherwise.

3.2 TUITION REIMBURSEMENT

B. Requirements for Partial Reimbursement of Tuition:

2. The subject matter of the course must be directly related to the employee's present position or to a position within the normal line of promotion within LAFCO.

Commissioner Cooper's comments: Would like further clarification on why that sentence was incorporated into the P&G and whether it is too limiting. He contemplates a scenario where a temporary typist wants to be a planner or grow to another position within LAFCO.

Staff response and recommendation: The intent of this policy is to ensure that the tuition reimbursement is mutually beneficial to the agency and to the employee invoking this benefit. It is not necessarily the intent of LAFCO to limit *who* may apply for this benefit but to limit the *purposes* in which it will be used. For example, there would be no benefit to LAFCO to reimburse an employee's tuition for a class taken purely for personal reasons (i.e. a class in metallurgy or viticulture). However, the policy as written allows the Executive Officer the discretion to allow this reimbursement if the EO has identified that the agency benefits either from having an employee with a deeper understanding of a subject matter within his/her position or by encouraging the professional growth of an employee by promoting him/her into another position. Staff recommends either leaving the section as is or amending it so it better reflects the Commission's intention to offer this benefit to develop its permanent staff into subject matter experts or for promotion.